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Civil Liberties

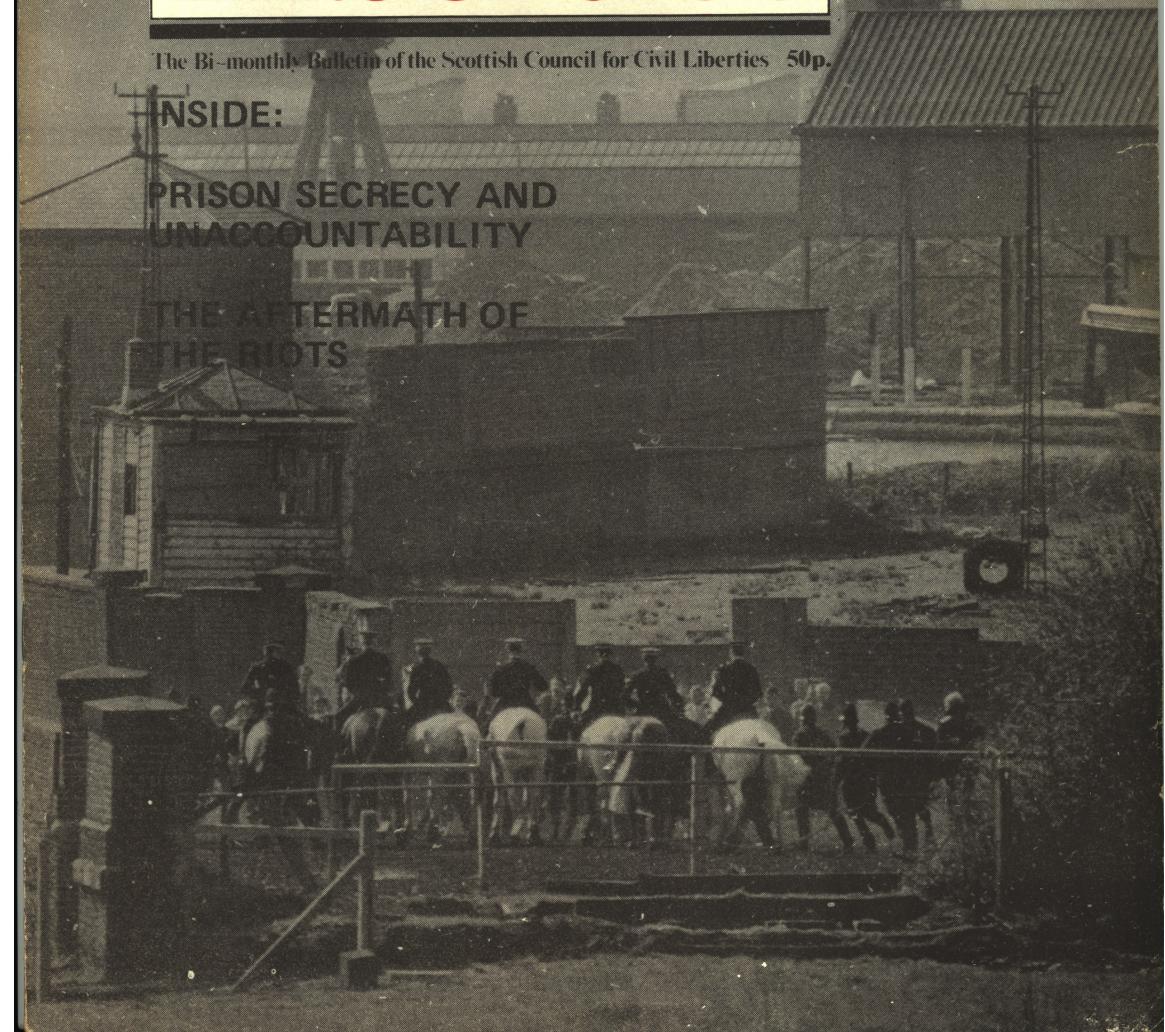


The Bi-monthly Bulletin of the Scottish Council for Civil Liberties 50p.

INSIDE:

PRISON SECRECY AND
UNACCOUNTABILITY

THE AFTERMATH OF
THE RIOTS



INSIDE PAGE

'CIVIL LIBERTIES' is about just that . . . civil liberties, our rights, our freedoms.

'CIVIL LIBERTIES' is a new, campaigning magazine aimed at defending our existing rights from erosion and attack, pointing out where we are vulnerable and when we must be vigilant.

'CIVIL LIBERTIES' is working towards creating new rights and a society where basic freedoms are built into the very structure of things.

'CIVIL LIBERTIES' means that we don't have rights until we make them. We don't have rights until we know about them, and when we have them we have to struggle to keep them !

'CIVIL LIBERTIES' is the bi-monthly bulletin of the Scottish Council for Civil Liberties — the only organisation that systematically monitors developments and set-backs in the field of civil liberties in Scotland. We hope that this first issue will persuade you that civil liberties are important — that's if you didn't already think so. In Issue 1 we're looking at the dangers of 'emergency measures' and the ever-extending powers of the police, the veil of secrecy and unaccountability that shrouds what goes on in our prisons, the limitations of the Press Council, new key publications and debates about education.

In Issue 2 we'll be scrutinising Scotland's Prostitution laws and asking "Who's the victim of prostitution ?" as well as questioning the role of Schools' Councils.

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COVER PHOTO
2.4.80, London:
Police riot training in a disused dockland of the East End. Police officers dressed in "donkey" jackets play the part of strike pickets while mounted police rehearse "crowd control" techniques. The whole thing was watched by high ranking police officers, (the group on the right hand side of the picture nearest to the wall).

CARLOS AUGUSTO:
International Freelance Library,
411 Oxford Street, London.

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RIOTS

Klaus Staack (1970) *Die Ordnung*

AFTER THE RIOTS . . . ?

Repressive policing is no solution to political conflict. Ill-considered "emergency" measures inevitably erode civil liberties and fail to confront real issues of police accountability and the effects of economic policies.

PAUL GORDON, author of "Policing Scotland", argues that we must learn lessons from our political past and resist all such anti-libertarian developments, however difficult this may be.

It seems clear that after the riots of 1981 policing in Britain can never quite be the same again – the use of CS gas, the injuries sustained on both sides, the uncontrolled behaviour of the police in dispensing summary 'justice' are all indicative of a qualitative shift in policing – in practical terms. The prepar-

ations, of course, were there before the riots in the increasing number of Special Patrol Groups and Police Support Units, better planning for outbreaks of 'spontaneous public disorder', more and more surveillance of those falling within the widening category of 'subversive'. In short, the creation of a 'third force' hidden-within the ranks of the ordinary police. What the July riots offered was an opportunity to put a lot of this to the test and what it offers now is the excuse for a further escalation of state planning in repressive policing.

The government was quick to concede to police demands as the riots developed. On 6 July, Eldon Griffiths MP, parliamentary adviser to the Police Federation, was given the best part of a page

in the *Daily Express* to argue that 'The time has come . . . to set up specially trained squads of men with all the support of helmets, fireproof uniforms, armoured cars, – yes, and even guns if necessary . . .' Such police, said Griffiths, should be trained by the Royal Ulster Constabulary. On 8 July, Metropolitan Police Deputy Assistant Commissioner Neivens called for water cannon and rubber bullets if necessary, 'regrettable though that may be'. The following week, the Home Secretary told Conservative back-bench MPs that CS gas and plastic bullets were already available to the police if they wanted them and there would be tests with armoured cars and water cannon. The following day, not only was the message repeated by the Prime Minister in parliament, but

RIOTS

six senior police officers arrived in Ulster to discuss riot control with the RUC while others attended demonstrations of water cannon and armoured vehicles laid on by the army in Surrey and Derby.

But the response was not just one of offering repressive technology. The Cabinet discussed the need for a new Riot Act and both Eldon Griffiths and Sir David McNee argued for greater powers for the police to clear the streets. At the same time, of course, the law on public order is already subject to scrutiny in such a way as never before, both by the parliamentary Home Affairs Committee, which recommended considerable restrictions on the right to demonstrate, and in the government's own Green Paper now the subject of discussions within the Home Office.

During all this time it appears that there were few voices of reason. The Labour opposition in parliament differed only in tone from that of the government, not in significant content, and from the police establishment, the 'moderate' voices of John Alderson and others were easily drowned. It was not an easy time for civil liberties.

Repressive Measures Are Not the Answer

It is, however, a crucial time for civil liberties in a number of ways. In the first place, there is our reaction to the state's response to the riots. It should be axiomatic that resort to oppressive measures is no response to political conflict. That much we should have learned, if nothing else, from the experience of Northern Ireland. Repression begets conflict and ever-escalating violence, and apart from anything else we ought to remember that there are no such things as 'harmless' riot control weapons.

In the case of restrictive legislation on public order we should remember the lessons of past and existing law. The Public Order Act for example was passed in a period of crisis and supported by many civil libertarians yet it

is now being abused on a scale which is widespread and in a way which seriously threatens the existence of any meaningful right to demonstrate. Without such a right the fabric of what we know as civil liberties is threatened, for without the right to organise and mobilise in support of rights existing or sought, the struggle for civil liberties (and many other things besides) is all but lost.

No Confidence in Police

Secondly, the riots and their aftermath have pointed up the question of the accountability of the police to the community or to its elected representatives. They have shown repeatedly that the police are quite *unaccountable* and out of control, responsible only to themselves. They have shown yet again what civil liberties activists have known for a considerable time, that significant sections of the public have no confidence whatsoever in a complaints system operated by the police – with or without an 'independent element' in the form of a reviewing Police Complaints Board.

In this respect the issue of accountability takes on a new and immediate significance. Drastic changes are needed. The police must be made accountable to the public and this accountability, if it is to mean anything, must mean that local communities have some control over what are now described as 'operational' matters' and therefore put outside the control of the few police authorities which have any will to tackle the issue. If the issue of accountability is not taken up, then the police will continue to be a law to themselves, their tactics and methods will continue to alienate sections of the public and in a very real sense we shall end up with the police we deserve.

Policing by Force or Consent ?
The question is one which has

been asked in the past but which is more urgent now. What kind of police force do we want? Do we want one which performs with and by the consent of the public or do we want one which functions by force – whether of arms or by force of law? The answer should determine the priority we give to police accountability and the means we use to achieve it.

Professor Stuart Hall argued in 1974 that the economic policies now in effect require a particular authoritarianism in society generally:

"... if the state is to stop meddling in the fine-tuning of the economy in order to let 'social market values' rip, while containing the inevitable fallout, in terms of social conflict and class polarisation, then a strong, disciplinary regime is a necessary corollary."

This argument now seems incontrovertible in the light of recent events. It means that the next few years will be crucial in the development – or the end – of civil liberties and it means that our responses to what is happening are crucial.

It means, being ever more vigilant about key areas of the law and the state – policing, the right to demonstrate, freedom of expression, the extension of criminalisation (and its corollary, prison) as means of social control. But it means, too, the need for a massive expansion of support for a civil liberties perspective by addressing oneself to all those sections of society whose support is vital if we are to retain even the limited freedoms we currently enjoy.

PAUL GORDON
Policing the Eighties – The Iron Fist – State Research Pamphlet No. 2
Riot Control – A New Direction – State Research No. 25
Drifting Into a Law and Order Society – The Cobden Trust, 1980

"Can I be
havin' me compensation
now?"



The Press Council was set up in 1953 to examine complaints from the public about written journalism. Its critics range from journalists who dislike having to defend a story to media watchers who see it as establishment biased and largely ineffective. JOHN FORSYTH, a journalist, describes the way in which the Council dealt with one successful complaint and asks . . . WAS THIS SATISFACTORY ?

On March 16 1978 the *Daily Express* announced on its front page "STORM AS WOMAN JUMPS HOUSING QUEUE". Its exclusive story (based on a press release that had been sent to every newspaper in Fleet Street) explained how Slough District Council had been forced by "left wing pressure groups" to give a much needed council house to a Mrs Sandra O'Shaughnessy and her three children. The story announced that Mrs O'Shaughnessy was not even a British citizen and that 1,300 long-suffering Slough citizens who were on the council house waiting list had been insulted by this application of the Housing (Homeless Persons) Act, forced on a reluctant Council under threat of legal action.

A further editorial inside the same issue raged that the British were the "champion mugs of the galaxy" for allocating housing to citizens from a different country under the Homeless Persons Act

**The freedom of the press belongs
to those who control the press.**

PHOTO: Women in Print Leeds Postcards

PRESS COUNCIL

which was no more than a "vagrants' charter". The headline for the editorial was "Can I be havin' me house now?"

The story was so riddled with inaccuracies that Shelter decided to make a complaint to the Press Council, having failed to persuade the *Express* to publish a letter correcting the errors. The *Express* however did subsequently publish letters from readers outraged by the original inaccurate story.

Misrepresentations

The truth was that Mrs O'Shaughnessy was neither a citizen of Eire, nor had she spent most of her life there as claimed by the *Express*. She had married an Irishman who, after five years had sold their mobile home near Cork and deserted her and the three children. Mrs O'Shaughnessy had gone to Slough in the firm belief that her husband was there. Failing to find him she took a job and tried to earn enough to establish a home for herself and the children who had been taken into care. Low earnings and the expensiveness of private rented accommodation meant she had not succeeded in this by the time the Homeless Persons Act came into force five months later.

When Slough did accept Mrs O'Shaughnessy's claim – in preference to going to court – they did not give her a council house but a short life property which would not have been offered to any of the 1,300 applicants on the waiting list.

Take away the misrepresentations and there wasn't much left of the story beyond the unsavoury mixture of anti-Irish and anti-Homeless Persons Act vitriol. The Press Council agreed, and eleven months later published an adjudication condemning the *Express*'s "failure to correct a misleading and harmful allegation" and that the newspaper had subsequently "published letters repeating statements that it knew to be untrue".

Mrs O'Shaughnessy had been publicly defamed and humiliated but was thankful that the neigh-

hours had rallied round when they discovered the true story. They could have been incited to considerable hostility by the *Express* version of the story.

Enquiry

A commission of Enquiry into the Press Council is currently conducting a survey among previous complainants to discover their views on the fairness, effectiveness and relevance of the Council's adjudications. What could the Commission learn from the O'Shaughnessy case?

First, that immediate damage was done to Mrs O'Shaughnessy's reputation, causing her considerable distress and embarrassment for her children at school. The Press Council adjudication nearly a year later provided little compensation.

Secondly, the Press Council was only able to 'individualise' the case judging on the merits of the complaint that factual misrepresentation had been made about Mrs O'Shaughnessy. However, the *Express* had been running a campaign of criticism of the Homeless Persons Act over a period of weeks which might well have created a cumulative antipathy among *Express* readers greater than any outrage (however misplaced) on the particular O'Shaughnessy story.

Thirdly, although the *Express* dutifully published the Council's eventual adjudication, the correction took up a corner of page 4 – rather less prominent than the original front page splash. There was no indication that the *Express* felt chastised. It certainly wasn't punished.

Reforms

Are there any reforms of the Press Council approach which would accommodate these failings and strengthen the rights of the ordinary citizen who finds him/herself picked on unfairly by the Press?

The two principal failings of the system seem to be that the victim receives no compensation for damage done and the newspapers are insufficiently punished.

Thus they don't take Press Council adjudication very seriously. Perhaps it would be possible to create a solution that combined solutions to both these problems.

At present complainants are required to sign a 'waiver' indicating that they are foregoing their rights to other forms of legal redress, such as a libel suit, should the adjudication go in their favour.

There are suggestions that the waiver should be dropped completely. However that would not seem to be useful for the citizen of modest resources who would be likely to find him/herself up against highly paid legal brains, employed by the newspapers to nip potential libel suits in the bud. The limited co-operation newspapers presently demonstrate would be smothered by defensiveness.

But victims should be compensated. Perhaps a more suitable source of recompense could be from a fund, administered by the Press Council, from which discretionary financial awards would be made.

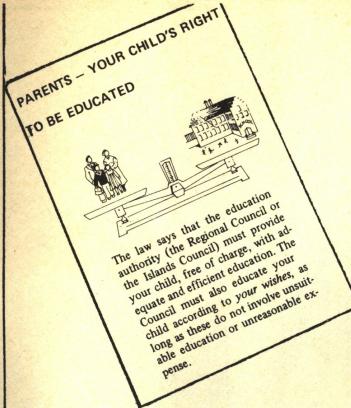
How would the fund be supplied? Newspapers could be 'fined' a noticeable amount, say £1,000 or £2,000, by the Council for every adjudication that went against them. That would certainly provide the incentive for editors to instil a greater sense of responsibility among their reporters instead of disinterestedly shrugging their shoulders.

Eventually, of course, on that perfect day when newspaper editors were ensuring that they didn't incur Press Council fines, then there would, by definition, be no calls on the fund for compensation.

In order to assess the true damage that had been done by a misleading article it would be wise for the Press Council to look beyond the simple facts of the story to its context in that publication and whether the complainant is the victim of a campaign or simply a badly researched story.

JOHN FORSYTH

OPEN FILE



30 Hillhead Street,
Glasgow G12 8DZ

Dear Editor,

We recently received a copy of SCCL's leaflet *Parents - Your Child's Rights to be Educated* and found it a profoundly disappointing document, particularly from an organisation radical enough to run the excellent Kids Rights conference a few years ago.

The pamphlet is a fairly adequate account of children's rights *in schools* — though even here there are important omissions we'll come back to — but schooling is *not* the same as education. Education is a much broader experience, occurring all the time, mostly outside institutions, and it is *active*, not passive as implied in the pamphlet's title. Furthermore, education need not involve attendance at school at all.

Dear Editor,

I would like to congratulate your organisation on their magnificent work in bringing the Ministry of Defence proposals to site a depot for the Trident missile system at Coulport on the Rosneath peninsula to the attention of the general public. I am neither a member of SCCL nor a supporter of CND. I do, however, have grave misgivings about the impact of the proposed development on the local environment, not least because of the risks of nuclear attack or accident. However my anxieties were not eased by reference to the details of the MOD's proposals submitted to Dumbarton District Council as the local planning authority, which although they revealed the massive extent of the development,

As you must be aware, the Education Act allows parents to arrange for their children's education by sending them to school, *or by other means*. The right *not* to send children to school is one which most people in this country seem not to be aware of. We would have thought that SCCL, as an organisation concerned with opening people's eyes to their rights, would have been keen to emphasise this right, but it is not mentioned at all in the pamphlet. We are well aware that many people feel unable to arrange for their children's education themselves — the professions all have a disabling effect on people — but only when something is known to be possible are people likely to consider it.

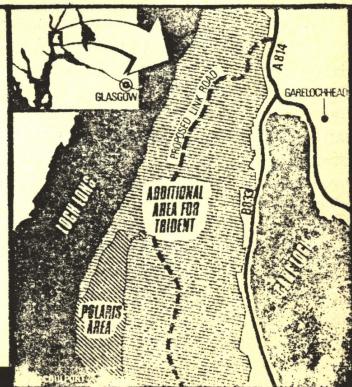
Returning to schools, the pamphlet's cover paragraph points out correctly that your child's education should be *according to your wishes*, but, other than offering the chance to opt out of religious instruction, there is next to nothing on how to achieve this. Is there a right to have a Parents-Teachers Association? If not, what is their status, and what are they allowed to consider? What is the Schools Council (mentioned in passing but not explained) & what are its responsibilities? What is the legal position on parents helping out in classrooms (some schools encourage this, others do not — is there a

legal aspect here?) What is the legal position on playground supervision? If a child is injured during a break, is anyone responsible? All these, and more questions could be asked about the means that parents have for ensuring that their children are getting an efficient education in school.

A final point, arguably beyond the scope of the pamphlet, but nevertheless worth a paragraph. Parents need reminded of their responsibilities as well as their rights under the law. Schools can't do everything. Most of what we know we learn outside school, and our attitudes are much more influenced by our parents than by school. It is no good parents simply assuming that, by sending kids to school, they have fully discharged their responsibilities. Children who succeed in schools come from homes where parents — whatever their interests and abilities — extend and flesh out school experience.

ROGER AND LESLEY DOWNIE

P.S. For parents who wish to educate their children out of school, for whatever reasons, there exists *Education Otherwise*, a network of like-minded families that produces newsletters, advice and gives support. We are Scottish co-ordinators for E.O.



did not give any indication as to what the full impact would be of the construction and operation of the Trident depot.

I am therefore grateful for SCCL's initiative in submitting their own planning proposal for use of a section of the proposed site as a centre for the study of civil liberty problems in rural areas not only for highlighting the fact that there are more appropriate land uses for the area, but also for stimulating public interest in the proposal and creating a means by which this interest can be satisfied in the form of a public enquiry.

Wishing you all the best in your future work.

Stephen Campbell

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visitor who insisted on speaking out about the attack was unceremoniously dismissed after contacting the media about the incident. Finally, after questions in Parliament, by Robert Kilroy-Silk, the Home Secretary belatedly admitted that the MUFTI squad had been in action on seven occasions prior to the Scrubs incident. Parliament had not been informed of these interventions. In fact neither M.P.s nor the general public knew of the squad's existence until the incident at Wormwood Scrubs. It was also revealed that Scottish prison officers were to receive training in MUFTI squad techniques, a fact which also had remained undisclosed until the furore over the Scrubs.

The training and deployment of the MUFTI squad had received no publicity or public debate. The setting up of what amounted to a prison riot squad remained outside the bounds of scrutiny of both Parliament and the outside community. In effect, the squad was accountable to no-one outside the prison service for their actions. The injuries sustained by the 53 prisoners were ample and bloody testimony to this lack of accountability to the outside world.

The Control Units Issue

Documents obtained by the National Council for Civil Liberties and released to the *Guardian* newspaper in April 1980 further reveal the secrecy and lack of accountability which surrounds the formulation and implementation of penal policies. The documents described the setting up of the notorious control units in English prisons in the mid-1970's. The units were designed to remove "difficult" prisoners from the mainstream prison population and hold them for up to 180 days in what amounted to conditions of sensory deprivation. Bare cells, no radios or belongings, no caged birds and minimal contact with staff were the hallmarks of the regime. If, during the 180 day

period, a prisoner broke any rule, then he automatically went back to day one, stage one of the period to start it over again.

The setting up of these units was the work of a group of civil servants in the Home Office. Basically they experimented with psychological techniques for punishing "subversives". Importantly, however, these techniques "were different from those originally approved by ministers". (*Guardian*, April 8 1980). Again it is quite clear that the units were set up in complete secrecy after a major internal struggle between different groups of civil servants. At no time was there a parliamentary debate, or public discussion, about the issue. Indeed, the circular setting up the units was kept secret from M.P.s. An internal Home Office document noted that only circular instructions which modified standing orders were to be sent to the House of Commons Library. As the control units circular did not do this, it was not sent to the Library and thus M.P.s were denied the chance to consult it.

The media were also denied information on the units. David Hewlings, the controller of operations, advised Roy Jenkins, then Home Secretary, that "intense curiosity from the media . . . would seriously handicap the smooth running of the units during their difficult initial stages". (*Guardian* April 8 1980.)

The control units were eventually exposed and widely criticised for the repressiveness of the regime. This exposure finally led to them being closed down, although it should be noted that solitary confinement is still a widely used technique in British prisons to punish prisoners. Again, like the MUFTI squad, the control units had emerged from the recesses of a prison bureaucracy whose secret meetings and planning operations were known only to a few people — the prison bureaucrats themselves.

Secrecy and Prison Research

For academics and other outsiders who are interested in getting into prisons in Scotland or England to conduct research, the situation is fraught with difficulties. As Stan Cohen and Laurie Taylor have pointed out, while there is no reason why outside researchers should have any specially privileged access to prisons, nevertheless "a necessary pre-condition for any sort of public accountability of any prison system must be that it is relatively open to independent research". (*Cohen and Taylor, Prison Secrets*, pp. 72–73.)

Despite the importance of such independent research for the accountability of the prison system there are a host of devices used to control and regulate who actually gets to conduct research. Furthermore, when research is conducted, there are a number of mechanisms designed to inhibit the publication of anything which might be critical of the system. For example, it is primarily a decision of the Home Office and the Scottish Office as to

'It is quite clear that the units were set up in complete secrecy after a major internal struggle between groups of Civil Servants.'

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which researchers are allowed in to the prisons. Thus, if a research proposal appears to be too critical then it is likely that the proposers will not be allowed access. Researchers also have to sign the Official Secrets Act before they are allowed inside. Theoretically, this means that an individual conducting research should not discuss his/her findings findings with anyone. Furthermore, when the research has been completed, it should be submitted to the relevant prison department in England or Scotland for scrutiny before publication. The department would then censor and remove areas which it found objectionable and hand the gutted manuscript back to the author for publication. In effect, such steps can be dispensed with. The prison departments can just deny access to any researcher whose work they consider "unsuitable". What is suitable is research which will help the system to function more smoothly.

These restrictions concerning academic research do not solely apply to current research activities. Individuals who wish to examine documents relating to prison history will find that access to them is also severely curtailed. Paul Gordon has recently disclosed the extent of secrecy with regard to Scottish prison historical sources. Official books which are of crucial importance in describing in detail the daily life and running of the prisons in the last century will only be made available in 1982, fully 100 years after the first file in the series was opened. Specific examples of restricted files include those on the forcible feeding of suffragettes in Abernethy and Dundee in 1909. Files relating to questions of discipline in Edinburgh prison for the year 1915 are also closed for 100 years. Gordon also points out that sixteen files relating to John Maclean, the Clydeside socialist, are closed until the year 2020. This in itself is inter-

esting, given the fact that on many occasions Maclean alleged that his food and drink had been spiked in the various prisons in which he served time. In short, he believed that the Scottish prison authorities were trying to poison him. (Gordon, *Public Records in Scotland*, pp. 8-9.)

Other documents relating to the history of prison administration in Scotland and England are held in the Public Records Office in Kew Gardens in

'In matters of prison policy, past or present, Secrecy rules OK!'

London. While the records held there are supposedly governed by the thirty year rule and should therefore be made available to the public when this time has elapsed, in practice, many of them are withheld for far longer periods. Thus, for example, the Governor of Bedford Prison's Journal for the years 1868-1877 is still closed and will not be opened until 1984. The file number HO 144 1879-1900 is also closed for 100 years. This file includes an 1884 report on the death of a prisoner which was caused by two fellow prisoners. At the inquest there were criticisms of the prison officers and the medical officer of the prison subsequently resigned. Another file which relates to Stafford Prison in 1887-88 is still closed. This file details the reprimand handed out to the Governor, and the retirement of the prison medical officer, as a result of the death of a "lunatic" prisoner. Other documents relating to prison

history include pieces 1 to 17 under the file of Prison Commission 8 which are closed until the year 2021, pieces 233 to 246 in the same file closed until 2023, and a file compiled in 1896 and still closed, concerning complaints by prisoners of their treatment by prison officials.

The Public Records Office is only a depository for such documents. As such, it is not those who work there who decide what should be restricted or left open. Rather it is the relevant minister or ministry who makes the decision. In the case of England and Wales it is the Home Office, in Scotland, the Scottish Office. It is officials in these departments, again with no outside scrutiny or control, who are effectively censoring documents which could be critical of the work of their department in the past. For the prison departments in England and Scotland, in matters of prison policy, past or present, secrecy rules OK !

Secrecy and Prison Deaths

It is difficult to obtain exact details about the circumstances surrounding the deaths of individuals in Britain's prisons. Allegations are frequently made by prisoners, and, very occasionally, by prison officers, concerning deaths in prison. Different reasons are given for the deaths - brutality, lack of proper medical care, and the over-use of drugs, are the most commonly cited. In a recent article for the National Council for Civil Liberties, Roger Geary has pointed out that it is almost impossible to prove or refute such allegations precisely because detailed information has either not been collated or is kept secret. What Geary has made clear, however, is that of 63 prison deaths in England and Wales in the last decade, 35% were due to unnatural causes or to suicides. Furthermore, the prison suicide rate is not only six times higher than the rate for outside, but is rising. In

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addition, the average of prisoners dying from natural causes was 48.8 in 1977, 46.6 in 1978 and 43 in 1979. In comparison, the national mortality figure is 70 for men and 79 for women. (Geary, *Deaths in Prison*.)

The Prison Department remains tight-lipped when it comes to discussing these deaths. They refuse to say how many deaths have led to internal inquiries, how many prisoners were being treated with drugs and how many deaths occurred while prisoners were in solitary confinement.

A recent death in prison raises many of these issues of secrecy and accountability. Barry Prosser was found dead in August 1980 in Winson Green

prison, Birmingham. In April 1981 a coroner's jury in Birmingham returned a verdict that Mr Prosser had been unlawfully killed. During the inquest, they had heard evidence that there were signs of bruising on Mr Prosser's eyes, cheeks, chest, groin, anus, hips, right arm and leg. In addition to these injuries, they also heard that he had suffered one fatal blow, probably inflicted by a knee, which was delivered with such force that it burst his stomach and oesophagus. After the verdict was returned, the coroner made some scathing remarks about the running of the prison hospital wing. He pointed out that no record had been kept in the hospital wing occurrence book of the fact that twelve prison officers were used to hold the prisoner while he was given a sedative. He further commented that he looked with "some horror" at the way no-one knew of the extent of the prisoner's injuries until the post-mortem examination had been carried out. In addition, he drew attention to the fact that four sets of records were kept to deal with the prescribing, use and administration of drugs. Finally, he expressed his concern about the fact that Home Office regulations were being ignored in the hospital wing with regard to incidents when force was used to restrain a prisoner.

For the purposes of this article it is worth asking who, if anybody, was responsible for monitoring the activities of the prison officers in Winson Green hospital wing? In short, to whom were they accountable for their daily actions? From the coroner's remarks, and his criticisms, it would seem that the answer is no-one. More generally, it could be asked that if Barry Prosser had not died, would the extent of his injuries, and the abuses disclosed, have come to the notice of the general public? Finally, following on from this, are there similar events happening in other British prisons, which because of the secrecy and lack

of accountability of the system, will remain hidden until a prisoner's death projects them, albeit too late, into the public's eye.

Accounting for Prisons

The accountability of state institutions in Britain has been brought into sharp focus in recent months by the riots in English cities. In their aftermath, there has been a vociferous call for greater police accountability to the local community and to Parliament. Paul Boateng, the chairperson of the Greater London Council's Police Committee has indicated that the Committee is in the business of making sure that the police are answerable to the people who foot the bill and of ensuring that the police do not over-reach themselves to the detriment of civil liberties. He also believes that the Committee should be in the business of determining priorities. In his view, "priorities should not be the individual whim or idiosyncrasy of a senior police officer, but a matter of public policy". (*The Leveller*, No. 60, p. 15.)

Similar statements could be expressed about the prison system in Britain. At the present time, any talk of public accountability is a myth, pure theory rather than actual fact. Issues such as the formation of the MUFTI squad, the setting up of the Control Units and the death of Barry Prosser forcibly underline this point. Until some sort of accountability is established then such incidents will not be unique, one-off affairs. Rather, they would appear to be only the tip of a prison ice-berg, which leaves one wondering what other secrets are waiting below the surface, ready to float to the top.

JOE SIM

British Prisons by Mike Fitzgerald and Joe Sim is re-published by Basil Blackwell in October 1981.

'At the present time, any talk of public accountability is a myth . . . the MUFTI squad, control units and death of Barry Prosser underline this point.'

REVIEWS



YOUR RIGHTS ON ARREST AND DETENTION

Printed by Aberdeen People's Press
Published by Castlemilk Law Centre
Price 12p.

In spite of major changes in the Law of Arrest and Detention in the form of the Criminal Justice (Scotland) Act, the Law remains as confused as it ever was. In fact what has been called "the greatest blot on criminal procedure" has remained.

This blot is the fact that the police can make or allow people to think that they are under arrest, without actually arresting them. Thus under the Common Law an individual is only under arrest once he has been told he is, or once he has actually physically been prevented from leaving. People may think once a police officer has said, "Come with me" or "Stay here" that they are under arrest. This is not the case. Somebody in this position, that is somebody who wrongly assumes he is under arrest as he is under restraint, will not be informed of his rights by the police. At present the police have no duty to do so. Legally speaking he is helping the police voluntarily even though he does not realise this !

Somebody in this limbo technically of course has the right to leave the police station at any time, to communicate with friends, relatives or a Solicitor, or to refuse to give the police information or to answer their questions. At present however neither the police nor any written publication will inform him of these rights. He could remain with the police for ever ! The intention of the leaflet produced by the Castlemilk Law Centre on "Your Rights on Arrest and Detention" is to fill this gap. Our leaflet makes it clear that if an individual does not wish to help the police, he should ask them whether they are arresting or detaining him. He should also tell the police that he is not willing to go with them unless he is being arrested or detained. If the police then wish to proceed with their enquiries their only rights are to detain the individual or to arrest him. Once he has been arrested or detained, both his rights and those of the police are clearly set down by the Law. These rights include the right of the police to demand the name and address from the persons they have detained or arrested and the duty of that person to give his name and address. In the case of a person who is detained, the police may conduct further

questioning for a total of 6 hours. The detainee has no duty to answer any further questions however. Once someone has been arrested, he should be told of the charge against him and questioning should cease. In both situations the individual has the right to contact a friend or relative or a solicitor .

Details of the powers of the police to detain and arrest under the Criminal Justice Act 1980 are described in the leaflet. Some areas of ambiguity remain as the details of police practice and the views of the Court have yet to be determined.

It ought to be noted however that the Law Centre does not think that this type of leaflet is the best solution to the problem. The law should be clarified. The second report of the Thomson Committee on Scottish Criminal Procedure (1975 command 6218 para. 3, 12) stated that "the crucial question is whether or not that person is free to go about his ordinary business. The test should not depend on any particular form of words used by police officers in addressing the person, or on whether or not the person thinks he is free to go. If the person would not in fact be allowed to go on his way, should he attempt to do so, or even express a desire to do so, then he should be regarded as no longer a free agent but as being in police custody".

This leaflet is free to residents in Castlemilk and is available for the price of 12p plus stamped addressed envelope from the Scottish Council for Civil Liberties in the case of people who do not live in Castlemilk. Bulk rates are available on application from Castlemilk Law Centre.

PAUL BROWN

Send a stamped, addressed envelope to SCCL, 146 Holland Street, Glasgow G2 4NG for an up-to-date list of our current publications.

REVIEWS

MISSILES, REACTORS AND CIVIL LIBERTIES

Printed by Aberdeen People's Press
Published by the Scottish Council for Civil Liberties, Price £1.40

This book argues that the systems involved in the making of electricity from nuclear reactors are technically, commercially, and politically linked to the systems involved in the making of nuclear weapons. The combination of these systems is itself an essential part of the state affecting the nature of its institutions. Further, the state uses the nuclear systems not only for the making of electricity and weapons but also as a means of economic and social control. So dominant are these effects that we have to use the label — the nuclear state.

Secrecy and Dishonesty

The nuclear state is exemplified by Britain. Before analysis we require facts but many of the most pertinent are kept from us. Sometimes the information is refused, sometimes it is substituted by falsehood. This secrecy and dishonesty is not restricted to dealing with the general public. Even members of the government and committees of inquiry seem to have been misled. *Colin Sweet* recounts how the Select Committee on Energy was given one forecast of demand for electricity by the Central Electricity Board and denied a much more realistic forecast till the Chairman of the Board was threatened with legal action. He also explains how the Board's accountancy methods obscure the costs of electricity from thermal reactors. *Brian Wynne* explains how Tony Benn while Minister for Energy was by-passed when the type of reactor was being decided. On the military side secrecy is used in the control of attitudes — a notorious example has been the refusal to show the film *The War Game* on television.

The connections between the civil and military nuclear industries are hardly mentioned by

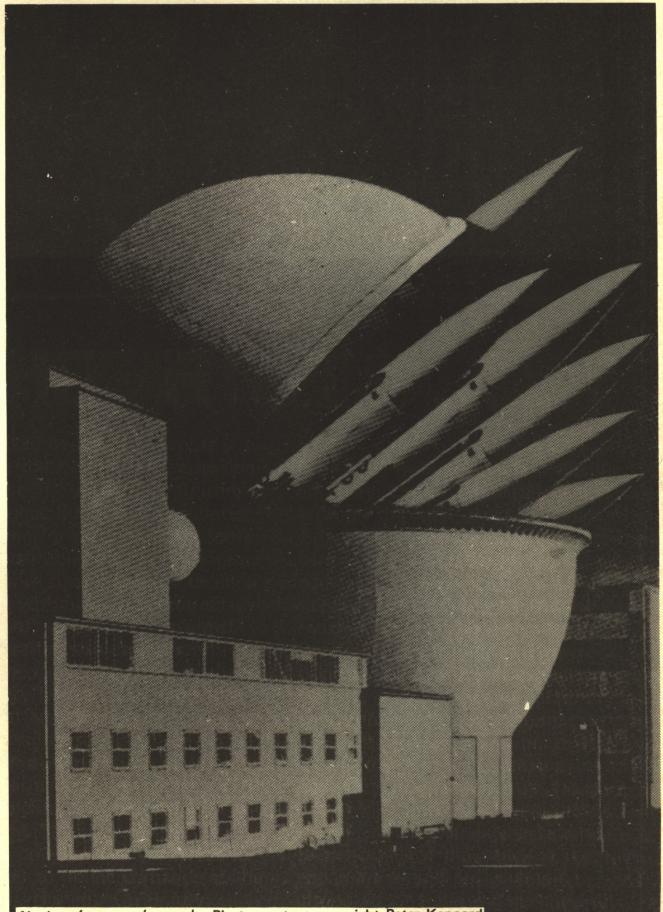
the authorities. So this lack of information is one of the chief criticisms of the nuclear state — we are denied the necessary basis for further consideration of the problems.

A Law Unto Itself

When we turn to the closely connected subject of accountability, a Pandora's box begins to open. We realise that this state is not accountable except to itself — to those who institute authority. Why? Because democracy cannot be allowed to interfere with nuclear authorities. All major developments are

started before, sometimes years before, they are brought to the notice of parliament. The technical issues such as choice of reactor or missile are then discussed but the economic, political and social issues which determine the relevance of these technical issues — and whose importance is primary and vastly greater — are denied such consideration so as not to affect the decisions already taken. The Atomic Energy Authority is law unto itself so that much of its activity does not require even nominal oversight by parliament.

But why is it that the state



Nuclear (weapons/energy) Photomontage copyright Peter Kennard
Published by Leeds Postcards

REVIEWS

wants to keep secret and to report only to itself? Profit and power? The suppression of its past and present stupidities? Its plan actually to go on with a nuclear war? This book discusses in a careful manner the complex mixtures and inter-relations of the various state institutions and shows that the requirements of those in control do not correspond with the interests of the people. The plans for shelters are an example. We realise belatedly how emotional rejections of the futures planned, while completely justified, must be backed by an understanding of the processes within which the processes within which the civil and nuclear developments take their place.

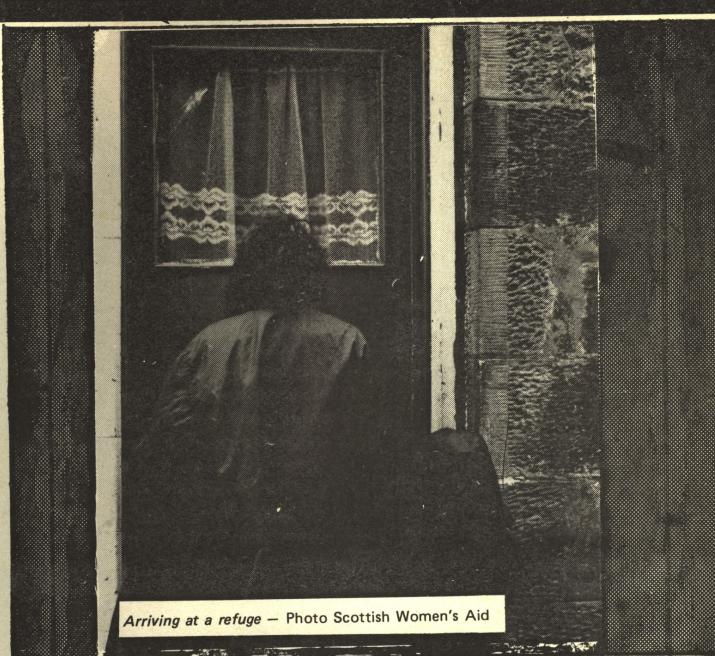
Suppression and Surveillance

The suppression of civil liberties by the nuclear state include surveillance of workers' relations and friends together with keeping watch on those opposed to civil and military developments, the restriction of information, and the exercised control of workers provided by the nuclear power industry.

Colin Sweet draws attention to the secret plans of the Central Electricity Board to build only nuclear stations. The threat to the miners is clear. *Les Levidow* explains how the few people who work in nuclear plants tend to be isolated, vulnerable and easily controlled and speaks of how a nuclear world excuses secrecy and lack of accountability. *Gari Donn* predicts that the nuclear state will react against individuals who oppose its policies. This opinion demands careful consideration in this thought-provoking and immensely important book from the Scottish Council for Civil Liberties.

KENNETH McNEIL

"Plutonium and weapons grade uranium are manufactured and reprocessed in 'civil' nuclear energy installations. There has always been a strong link between the civil nuclear programme and the military. The spread of nuclear technology for 'strictly energy' purposes has already led to South Africa, Israel, India and Pakistan having the capacity to produce the bomb."



Arriving at a refuge — Photo Scottish Women's Aid

BATTERED WOMEN**AND THE STATE**

Printed and Published by
Scottish Women's Aid
Price 80p.

Women's Aid's latest publication is the "Report on Battered Women and the State Conference". This conference was held in December, organised by Scottish Women's Aid in conjunction with the Scottish Council for Civil Liberties. Its purpose was to bring together individuals and organisations actively concerned with the problems of domestic violence, to review recent changes in state policy towards battered women and to explore ways of working together more effectively to support women experiencing such violence. The 35 page booklet includes the following papers:

1. 'State induced financial dependence of women' by Sheila Gilmore, Women's Legal and Financial Independence Group.
2. 'Recent developments in housing for women after marital breakdown' by Sue Robertson, Scottish Women's Aid.
3. 'Domestic violence and the police' by Dr. Fran Wasoff.
4. 'Battered women: in defence of self-defence' by Dr. Rebecca Dobash, Department of Sociology, University of Stirling.

Also in the publication are comprehensive background papers to, and reports and recommendations from the various workshops held on the following topics: Social Security, Housing, Emergency Housing for Battered Women, Surviving as a Single Parent, Appropriate Social Work Support for Battered Women and Legal Reform and Police Response to Domestic Violence.

Available from Women's Aid,
11 St Colme Street, Edinburgh
or SCCL, 146 Holland Street,
Glasgow.

BACK PAGE**THE PREVENTION OF TERRORISM ACT:
THE CASE FOR REPEAL**

Catherine Scorer and
Patricia Hewitt
Published by the National
Council for Civil Liberties
Price £1.75

"The Prevention of Terrorism Acts have destroyed safeguards for the liberty of the individual won over centuries; by replacing legally defined and protected rights with arbitrary executive powers they have violated cardinal principles of the rule of law." Strong words but the authors of this NCCL publication fully support their

case with their authoritative account of the operation of the acts over 7 years. The content of the acts has remained substantially unaltered since it was rushed through parliament in the wake of the Birmingham pub bombings in 1974, yet as the book shows there is no evidence that the draconian powers have done anything to combat terrorism. By use of official statistics and case histories the authors show how the act has been used extensively against ordinary citizens whose activities are often no more sinister than the fact that they have Irish relatives or an interest in Irish history. This is supported by the fact that under 7% of those detained on

suspicion for up to 7 days (without access to a lawyer) are charged with a criminal offence at the end of the day.

The book contains many similar examples of how this legislation is being used to curtail the rights and freedoms of individuals. The fact that such extensive powers of detention, exclusion and curtailment of right of assembly and political expression have become an integral part of our criminal law has grave implications for the future. Civil libertarians could well use the information in this book as ammunition in the fight to preserve our human rights.

ROBERT STEVENSON

"THE DISORDERLY STATE"

A CONFERENCE ON PUBLIC ORDER —
Glasgow College of Technology,
Saturday 14th November 1981

"We are now in the middle of a deep and decisive movement towards a more disciplinary, authoritarian society" — since Stuart Hall opened his Human Rights Day lecture in 1979 with these words the trend he spoke of has become frighteningly more decisive. This summer's disorders highlighted the repressive measures of the police but the trend can be seen in many other areas. There have been blanket bans on demonstrations throughout the country: the Employment Act has attacked trade unionists' rights to organise; the misnamed 'Temporary' Prevention of Terrorism Act and now the new Criminal Justice (Scotland) Act have made extensive police powers an integral part of the law.

This conference will provide a forum for highlighting how all these developments are part of the same trend. It will open discussion on the best way to oppose this trend and how we can develop an alternative philosophy to the law and order ethos that sees increasing the state's powers as the only way to control social and political unrest.

THE DAY'S EVENTS WILL INCLUDE —
papers on the role of the police; the Irish connection; the use of legislation; and also workshops on the role of the media and employment and trade unions.

PARTICIPANTS WILL INCLUDE —
Phil Scraton — lecturer in Criminology with the Open University

Paul Gordon — of the Runnymede Trust
Des Browne — a solicitor and chairperson of SCCL.

— and hopefully **YOU.**

For a registration form or more details contact:

*Robert Stevenson,
SCCL,
146 Holland Street,
GLASGOW G2 4NG*

Union rights threatened by McNeil
'Black demons' CIVIL DISORDER prone
Rubber bullets can be used if need be
Terror us Inquiry demand into
Act Prison riot squads under as Scottish ban fire
on demos defied